

An
Coimisiún
Pleanála

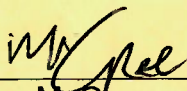
Direction
CD-020971-25
ABP-322562-25

The submissions on this file and the Inspector's report were considered at a meeting held on 15/10/2025.

The Commission decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Planning

Commissioner:


Liam McGree

Date: 16/10/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

The Commission performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with the relevant provisions of the Climate Action Plan 2024 and Climate Action Plan 2025 and the Long-term Strategy on Greenhouse Gas Emissions Reductions 2024, the National Adaptation Framework; Planning for a Climate Resilient Ireland June 2024 and the relevant sectoral adaptation plans in particular the Electricity and Gas Sectoral Plan 2019 and

in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

Furthermore, in coming to its decision, the Commission had regard to the following:

(a) European, national, regional and local planning, energy, climate and other policy of relevance, including in particular the following:

- **European Policy/Legislation** including:
 - i. Renewable Energy Directive (RED III) (EU/2023/2413)
 - ii. Directive 2014/52/EU amending Directive 2011/92/EU (Environmental Impact Assessment Directive);
 - iii. Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directive);
 - iv. Directive 2000/60/EC (Water Framework Directive)
- **National Policy and Guidance** including:
 - i. Project Ireland 2040 - National Planning Framework (2018);
 - ii. National Development Plan (2021-2030);
 - iii. The objectives and targets of the National Biodiversity Action Plan 2023-2030;
 - iv. Long-term Strategy on Greenhouse Gas Emissions Reduction (2024);
 - v. Policy Statement on Security of Electricity Supply (November 2021);
 - vi. National Energy Security Framework (April 2022);
 - vii. National Energy and Climate Action Plan (2021-2030);
- **Regional and Local Planning Policy**, including in particular:
 - i. Regional Spatial and Economic Strategy for the Southern Region,
 - ii. Wexford County Development Plan, 2022-2028

(b) the location, nature, scale and extent of the proposed development,

(c) the documentation submitted with the application, including:

- the Environmental Impact Assessment Report,
- Natura Impact Statement, and
- accompanying reports and appendices,

(d) mitigation measures implemented at the existing wind farm, and those proposed for the extension of the operational phase,

- (e) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development, and the absence of likely significant effects of the proposed development on European sites,
- (f) the submissions on file including those from third parties, prescribed bodies and the Planning Authority, and
- (g) the Inspectors report and recommendation.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with European, national, and regional renewable energy policies and with the provisions of the Wexford County Development Plan 2022-2028, would not seriously injure the visual or residential amenities of the area or otherwise of property in the vicinity or have an unacceptable impact on the character of the landscape or on cultural or archaeological heritage, would not have a significant adverse impact on ecology, would be acceptable in terms of traffic impacts and safety and would make a positive contribution to Ireland's renewable energy and security of energy supply requirements. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Environmental Impact Assessment

The Commission completed an Environmental Impact Assessment of the proposed development taking account of:

- a) The nature, scale and location of the proposed development.
- b) The Environmental Impact Assessment Report and associated documentation in support of the application for which approval is sought.
- c) The submissions received during the course of the application and appeal.
- d) The Inspector's report and recommendation.

The Commission considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, adequately considers alternatives for the proposed development and identifies and describes adequately the direct, indirect and secondary and cumulative impacts of the proposed development on the environment. The Commission agreed with the examination set out in the Inspector's report of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant, and submissions made in the course of the application.

Having regard to the examination of environmental information contained above, and in particular to the EIAR and other information provided by the developer, and the submissions from the planning authority, prescribed bodies and observers during the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- Potential for indirect impacts on **land, soil & geology and water** during the operational and decommissioning phases due to run-off, spillages, accidental discharges or sediment release. Mitigation measures included in EIAR.
- In terms of **landscape and visual**, a significant residual visual effect was deemed to arise at VP4 (Tomatee) due to the proximity to turbine T10 and a residual effect of 'Moderate' was deemed to arise at VP3 (Ballindaggan).

While adverse effects are assessed as arising in terms of landscape and visual amenity of the area, they are localised, and the continued presence of the turbines will not further materially alter the landscape receptors.

It is considered that effects as a result of interactions, indirect and cumulative effects can be avoided, managed or mitigated by the measures which form part of the proposed development, the proposed mitigations measures detailed in the Environmental Impact Assessment Report and with suitable conditions. There is, therefore, nothing to prevent the approval of the development on the grounds of significant environmental effects, or as a result of cumulative effects or effects arising from interactions between environmental factors.

Reasoned Conclusion on Significant Effects:

The Commission completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity would be acceptable. In doing so, the Commission adopted the report and conclusions of the Inspector.

Appropriate Assessment – Stage 1

The Commission considered the Natura Impact Statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites. The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the only European site in respect of which the proposed development has the potential to have a significant effect is the Slaney River Valley SAC (Site Code: 000781) and the Wexford Harbour and Slobbs SPA (Site Code: 004076).

Appropriate Assessment – Stage 2

The Commission considered the Natura Impact Statement and associated documentation submitted with the application, the mitigation measures contained therein, the submissions on file, and the Inspector's assessment. The Commission completed an appropriate assessment of the implications of the proposed development for the European Sites, namely, the Slaney River Valley SAC (Site Code: 000781) and the Wexford Harbour and Slobbs SPA (Site Code: 004076), in view of the sites conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the appropriate assessment, the Commission considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually and in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Site.

In completing the Appropriate Assessment, the Commission accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the sites Conservation Objectives. In overall conclusion, the Commission was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites Conservation Objectives.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars, lodged with the application to Wexford County Council on the 19th day of March 2025, and in accordance with the conditions of permission associated with An Bord Pleanála decision PL26.211725, except as may otherwise be required in order to comply with the following conditions.
Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity and to protect the amenities of properties and sensitive receptors in the vicinity.

2.
 - (a) Permission is granted for the permanent continued operation of the substation.
 - (b) Permission for the continued operation of 11 of the existing Castledockrell wind turbines shall be for a period of 20 years from the date of the decision. All structures shall then be removed and the site reinstated unless, prior to the end of that period, planning permission shall have been granted for their retention for a further period.
 - (c) Within six months of the date of this order, a detailed Decommissioning Plan and Site Restoration Plan providing for the removal of the turbines and all ancillary structures, and a timescale for its implementation, shall be submitted to and agreed in writing with the planning authority.
 - (d) On full or partial decommissioning or if the wind farm ceases operation for a period of more than one year, the windfarm, the turbines and all ancillary structures, shall be dismantled and removed permanently from the site. The site shall be restored in accordance with the agreed Site Restoration Plan and all decommissioned structures shall be removed from the site within three months of decommissioning.

Reason: To enable the planning authority to review the operation of the wind turbines over the stated time period, having regard to the circumstances then prevailing, and in the interest of landscape restoration upon cessation of the project.

3. The mitigation measures contained in the submitted Environmental Impact Assessment Report (EIAR), shall be implemented.

Reason: To protect the environment.

4. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

Reason: To protect the integrity of European Sites.

5. Noise levels generated by the windfarm, by itself or in combination with other existing or permitted wind energy development in the vicinity, when measured externally at noise sensitive locations, shall not exceed:
 - (i) For the daytime period 0700 hours to 2300 hours, in quiet environments, where background noise is less than 30dB(A)L90 T10, a maximum noise level of 40dB(A)L90 T10,
 - (ii) For daytime periods, 0700 hours to 2300 hours, where the background noise level exceeds 30dB(A)L90 T10, the greater of 45dB(A)L90 T10, or 5dB(A) above background levels,
 - (iii) For the nighttime period 2300 hours to 0700 hours, for all noise environments, 43dB(A)L90 T10.

Reason: In order to protect the amenities of noise sensitive properties in the vicinity of the development.

6. (a) A monitoring programme for bats shall be continued for a period of five years, with no reduction in the proposed feathering and curtailment regime occurring until after three years, subject to modification depending on the collision monitoring results by agreement with Wexford County Council. Carcass searches shall be increased to twice monthly during Year One.
- (b) Within six months of the date of this order, the developer shall submit proposals for local landscaping planting to encourage bats to use flight lines away from the direction of the turbine 11 (due to the proximity of the Common Pipistrelle roost building), for the written consent of the planning authority.

Reason: To allow full monitoring of the ecological impact of the proposed development, with particular reference to bats.

7. Within six months of the date of this order, the developer shall submit proposals for remedial measures to ensure that shadow flicker levels do not exceed the recommended shadow flicker levels as set out in the Wind Energy Development Guidelines of 2006, in the event of complaint from a dwelling within 500m of the nearest turbine, for the written agreement of the planning authority.

Reason: In the interest of residential amenity, pollution control and the proper planning and sustainable development of the area.

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid within one month of this decision or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer, or, in default of such

agreement, the matter shall be referred to An Coimisiún Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.